

SEP 27 2006

Application Number: 10/626,939

Docket Number: 200208417-1

REMARKS

Upon entry of this Response, claims 1-25 and 27-40 remain pending in the present patent application. Claims 1, 14, 20, 24, 30, and 31 have been amended, and claim 26 has been canceled. Applicants respectfully request reconsideration of the pending claims in view of the following remarks.

As an initial matter, claim 26 was objected to, but would be allowable if rewritten in independent form. Claim 24 from which claim 26 depended was amended to incorporate the subject matter of claim 26 canceled herein.

On page 2 of the Office Action, claims 1-9, 12-19, 21-24, 27, 28, 30-34 and 36-38 have been rejected under 35 USC §102(b) as being anticipated by US Patent 4,822,025 issued to Chung (hereafter "*Chung*"). Anticipation under §102 "requires the disclosure in a single prior art reference of each element of the claim under construction." W.L. Gore & Associates, Inc. v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983). Independent claims 1, 14, 24 and 31 have been amended herein to recite subject matter similar to original claim 26 canceled herein. Specifically, these claims specify that the accumulator accumulates a plurality of sheets of print media. Thus, Applicant asserts that claims 1, 14, 24, and 31 are in condition for allowance for the same reasons as were indicated in the Office Action with respect to the objection to original claim 26, the subject matter of which was incorporated into claim 24.

In addition, Applicants respectfully assert that the amendments to claims 1, 14, 24, and 31 do not present new issues for search as this subject matter added to these claims was searched in conjunction with the examination of at least claim 26 canceled herein. Accordingly, Applicants request that the rejection of claims 1, 14, 24, and 31 be withdrawn. In addition, Applicant requests that the rejection of claims 2-9, 12-13, 15-19, 21-23, 27-28, 30, 32-34, and 36-38 be withdrawn as depending from claims 1, 14, 24, or 31.

Also, claim 30 has been amended so as to be consistent with claim 24 as amended.

Next, on page 4 of the Office Action, claims 6, 9, 10, and 35 have been rejected under 35 USC §103(a) as being unpatentable over *Chung* in view of US Patent 3,356,362 issued to Mestre (hereafter "*Mestre*"). A prima facie case of obviousness is established only when the prior art teaches or suggests all of the elements of the claims. MPEP §2143.03, In re Rijckaert, 9 F.3d 1531, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). Applicant asserts that the cited combination of references fails to show or suggest each of the elements of these claims as depending from

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claims 1 or 31 for the reasons described above. Accordingly, Applicant requests that the rejection of claims 6, 9, 10, and 35 be withdrawn.

Next, on page 5, claims 11, 20, 29, and 39-40 have been rejected under 35 USC §103(a) as being unpatentable over *Chung* in view of US Patent 5,382,012 issued to Mandel (hereafter "*Mandel*"). A prima facie case of obviousness is established only when the prior art teaches or suggests all of the elements of the claims. MPEP §2143.03, *In re Rijckaert*, 9 F.3d 1531, 28 U.S.P.Q2d 1955, 1956 (Fed. Cir. 1993). Applicant asserts that the cited combination of references fails to show or suggest each of the elements of claims 11, 20, 29, and 39-40 as depending from claims 1, 14, 24, or 31 for the reasons described above. Accordingly, Applicant requests that the rejection 11, 20, 29, and 39-40 be withdrawn.

It should be noted that claim 20 has been amended to correct a grammatical error.

In addition, if the Examiner feels that a conference with the undersigned attorney of Applicant would expedite the prosecution of the present case, the Examiner is invited to call the undersigned.

### CONCLUSION

It is requested that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding this Response, the Examiner is encouraged to telephone the undersigned counsel of Applicants.

Respectfully submitted,



Michael J. D'Aurelio

Registration Number: 40,977

Thomas, Kayden, Horstemeyer & Risley, L.L.P.  
100 Galleria Parkway, N.W.  
Suite 1750  
Atlanta, Georgia 30339-5948  
Phone: (770) 933-9500  
Fax: (770) 951-0933